

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
Nachum Zager,

Plaintiff,

-against-

**09-CV-7019 (KMK)  
JUDGMENT**

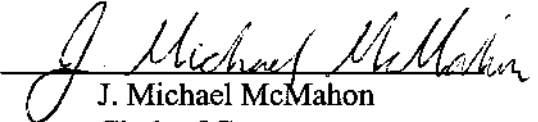
Capital One Bank USA, N.A.,

Defendant.  
-----X

Whereas the above entitled action having been assigned to the Honorable Kenneth M. Karas, U.S.D.J., and the Court thereafter on April 28, 2010, having handed down an Order (document #14) dismissing the case without prejudice for failure to prosecute, it is,

**ORDERED, ADJUDGED AND DECREED:** the above named case is dismissed without prejudice for failure to prosecute, and the case is hereby closed.

DATED: White Plains, N.Y.  
April 30, 2010

  
J. Michael McMahon  
Clerk of Court